

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEON W BARROW,

Plaintiff,

v.

CLARK COUNTY JAIL, CLARK
COUNTY SHERIFF, CORRECT CARE
SOLUTIONS, CITY OF
VANCOUVER, DANIEL GORECKI,

Defendants.

CASE NO. 3:16-CV-05439-RBL-DWC

REPORT AND RECOMMENDATION

Noting Date: December 16, 2016

The District Court has referred this action filed under 42 U.S.C. § 1983 to United States Magistrate Judge David W. Christel. Plaintiff Keon W. Barrow, proceeding *pro se* and *in forma pauperis*, initiated this civil rights action on June 6, 2016. *See* Dkt. 1. As Plaintiff has failed to file a second amended complaint and failed to keep the Court advised of his current address, the Court recommends dismissing this action without prejudice.

On July 13, 2016, the Court screened Plaintiff's Complaint and found it was deficient. *See* Dkt. 12. The Court ordered Plaintiff to correct the deficiencies by August 12, 2016. *Id.* Plaintiff filed the Amended Complaint, Dkt 13, and, on August 30, 2016, the Court ordered

1 Plaintiff to file a second amended complaint to cure deficiencies in the Amended Complaint.
2 Dkt. 15. The August 30, 2016 Order was returned to the Court as undeliverable. Dkt. 16. On
3 September 19, 2016, the Court directed Plaintiff to notify the Court of his current mailing
4 address. Dkt. 17. This Order was also returned to the Court as undeliverable. Dkt. 18.

5 Plaintiff called the Clerk's Office on October 5, 2016 and provided an updated address.
6 During the telephone conversation, the Deputy Clerk instructed Plaintiff to file a written change
7 of address as soon as possible and informed Plaintiff his second amended complaint was due on
8 September 30, 2016. *See* Docket, October 5, 2016. The Deputy Clerk resent the August 30 and
9 September 19, 2016 Orders to the address Plaintiff provided during the telephone call. *Id.*
10 Because Plaintiff had not timely received these two Orders, the Court directed Plaintiff to file the
11 second amended complaint and written notification of his updated address by November 18,
12 2016. Dkt. 19. The Court warned failure to file a second amended complaint and written
13 notification of his updated address by the deadline would result in a recommendation of
14 dismissal. *Id.* at p. 2; *see also* Dkt. 15, 17.

15 Plaintiff has failed to comply with the Court's August 30, September 19, and October 5,
16 2016 Orders. He has not filed an amended complaint correcting the deficiencies contained within
17 the Amended Complaint and he has not provided written notice updating the Court with his
18 current address. As Plaintiff has failed to respond to the Court's Orders and prosecute this case,
19 the Court recommends this case be dismissed without prejudice.

20 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
21 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
22 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
23 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
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1 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
2 December 16, 2016, as noted in the caption.

3 Dated this 30th day of November, 2016.

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6 David W. Christel
7 United States Magistrate Judge
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